

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 09/18/2003
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 07/02/2003.

TITLE: Application for Commercial Fisheries Authorization
under Section 118 of the Marine Mammal Protection Act

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0293

EXPIRATION DATE: 09/30/2004

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	6,750	1,307	120
New	12,000	2,800	304
Difference	5,250	1,493	184
Program Change		0	0
Adjustment		1,493	184

TERMS OF CLEARANCE:

SEE PAGE 2 FOR TERMS OF CLEARANCE

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION
PAGE 2 OF 2
OMB NO.: 0648-0293 09/18/2003

TERMS OF CLEARANCE:

OMB notes that this collection is not compliant with the principles of the Government Paperwork Elimination Act (GPEA) and that the agency has not provide sufficient explanation for why this collection is not yet or cannot be made to provide an electronic submission option. Therefore, this collection is approved for one year, during which time the agency must reevaluate its GPEA compliance with respect to this collection and provide a plan to accept optional electronic submissions.

OMB Authorizing Official	Title
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Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs
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PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
APPLICATION FOR THE MARINE MAMMAL AUTHORIZATION PROGRAM
UNDER SECTION 118 OF
THE MARINE MAMMAL PROTECTION ACT
OMB CONTROL NO. 0648-0293**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The Marine Mammal Protection Act (16 U.S.C. 1361 et seq.; MMPA or the Act) mandates the protection and conservation of marine mammals. The taking of marine mammals, except under limited exceptions, is a violation of the Act. MMPA section 118 provides an exception to that prohibition for taking of marine mammals incidental to commercial fishing operations subject to requirements listed in that section. The owner of any fishing vessel engaged in a fishery identified by NMFS as having either frequent (Category I) or an occasional (Category II) taking of a marine mammal must register with the Secretary in order to obtain an authorization for taking marine mammals and to be legally operating in that fishery. Fishers operating in fisheries identified by NMFS as having only a remote chance (Category III) to take marine mammals need not apply.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information to obtain an authorization is supplied by the fisher operating in a Category I and II fishery as mandated by Section 118 (c)(2)(A) of the MMPA. The MMPA states: “An authorization shall be granted by the Secretary in accordance with this section for a vessel engaged in a commercial fishery listed under paragraph (1)(A)(i) or (ii) upon receipt by the Secretary of a completed registration form providing the name of the vessel owner and operator, the name and description of the vessel, the fisheries in which it will be engaged, the approximate time, duration, and location of such fishery operations, and the general type and nature of use of the fishing gear and techniques used.”

A valid certificate of authorization protects the fisher from prosecution under the MMPA for violation of the moratorium on taking marine mammals. Without the information collection, NMFS would be unaware of the need for the fisher to be included under the authorization system. The information needed to register, renew, or update a commercial fishery authorization is found at 50 CFR 229.4 and includes the following:

- a. Name, address, and telephone number of the owner of a vessel or non-vessel gear and name and address of the operator if other than the owner;

- b. Name and length of the vessel, home port, U.S. Coast Guard documentation number or State registration number, State commercial license number of the fishing vessel which will operate under the authorization, and for a non vessel fishery, a description of the gear and state commercial license number;
- c. A list of the fishery(s) in which the fisher will be engaged; and
- d. A certification of the accuracy of the information being submitted.

Modifications to (a),(b), and (c) above must be submitted within 10 days of any change. To facilitate the application process, NMFS mails application forms or renewal forms to all fishers identified within the Category I and II fisheries. Renewal forms are pre-filled out by a computer generated with previously submitted information, allowing the fishers to make modifications to the form instead of filling out a new form.

Most of the information requested above is required by statute, NMFS determined that the home port and the length of the vessel were necessary information. This information is vital for the mandatory observer program for Category I and II fisheries. Information concerning the time, duration, and location of fishery operations, and the type and nature of gear is mandated by the MMPA. The MMPA requires NMFS to establish an observer program for Category I and II fisheries; therefore the home port and the size of the vessel is required because NMFS will need to know the location for boarding the vessel, and whether the vessel is large enough to take an observer. While this additional information is required only for participants in Category I and II fisheries, the categories are subject to change.

Certain information available elsewhere may be used to assist and /or verify the information collection request for registrations. For example, copies of existing State fishing licenses, federal fishing license applications, or foreign fishing permit applications may be used for this information request. Not all fishers have an interaction problem with marine mammals. Therefore, short of registering all U.S. fishers through State licenses and requiring all U.S. fishers to send in annual reports for renewal of their certificates, the submission of an application to receive an authorization is the best alternative for keeping the burden to a minimum.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Fishers need only to mail in the authorization form, which is made available to them in the NMFS regions, and through fishery organizations, at docks, etc. Renewal notifications are pre-filled out by computer; the fishers need only to make any corrections and sign. Authorization forms must be returned to NMFS via mail accompanied by the required registration fee.

4. Describe efforts to identify duplication.

Fishers in Category I or II fisheries are statutorily required to submit the information in the authorization form to lawfully take marine mammals incidental in fishing operations. The authorization is granted on an annual basis.

Some states have integrated the NMFS registration process into the existing state fishery registration process and fishers in those fisheries do not need to file a separate federal registration. Many states are not automated and NMFS, in order to reduce burden, has automated its authorization system. Federal fishing permits are limited in the number of fisheries that are included in the system. Therefore, a single licensing system for the authorization was the only option available.

Although NMFS has joint authority with the U.S. Fish and Wildlife Service (USFWS), Department of Interior, to manage marine mammals, the U.S. Department of Interior has not been authorized by statute to promulgate regulations on this matter. Therefore, USFWS has not established its own registration and reporting system. NMFS continues to consult with the USFWS on this matter and a USFWS staff person has attended task force meetings with NMFS, but NMFS remains responsible for the information collection process, distributing authorizations, and maintaining the marine mammal reporting system.

Certain fisheries, registration for a marine mammal authorization may be coordinated with existing state or Federal fishery or vessel permit or licensing programs. If applicable, vessels owners will be notified of this simplified registration process when they apply for their state or Federal permit or license.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

This collection will not have a significant impact on small entities. The MMPA instructs the Secretary to develop, in consultation with the appropriate states, Regional Fishery Management Councils, and other interested parties, the means by which the granting and administration of authorizations shall be integrated and coordinated with existing fishery licenses, registrations, and related programs, to the maximum extent practicable. However, as mentioned in item 4 above, to date, some state license systems do not appear to be compatible.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Commercial fishery authorization applications are required annually as mandated by statute (16 U.S.C. 1387 (c)(2)(A)). Without the registrations, NMFS would be unable to execute its observer program and to determine the impact of U.S. commercial fisheries on marine mammal populations and stocks.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The collection is consistent with the guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice (copy attached) solicited public comment on this submission, but none was received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

There is no provision to provide any payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Certain information supplied on this form may be considered proprietary and therefore subject to data confidentiality restrictions of 50 CFR 229.11.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are asked.

12. Provide an estimate in hours of the burden of the collection of information.

The number of burden hours in the general public is directly proportional to the number of applicants that wish to be covered.

NMFS has estimated that there are 22,400 fishing vessels that can be included in either a Category I or II fishery and therefore will need to register for an authorization and obtain a decal and/or Authorization Certificate. However, based on experience with the general permit program, less than full compliance was noted. Through enforcement actions against fishermen for failure to apply and prohibiting fishermen from fishing unless they have an authorization, applications would not be expected to decrease and might possibly increase in the final years of the program.

Some states have integrated the NMFS registration process into the existing state fishery registration process and do not need to file a separate federal registration. The annual burden hours for Category I & II fisheries are estimated as:

- New applications: 10,000 vessels x 15 minutes/application*/year = 2,500 hours
- Renewal applications: 2,000 vessels x 9 minutes/application/year = 300 hours

(*As fishermen are expected to apply for any additional fisheries at the time of the initial application, no additional burden hours are warranted for multiple fishery applicants.)

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

The annual costs to the Category I & II fishers to apply for authorization annually is estimated as follows:

Application fee, \$25 plus postage, \$.37 = \$25.37 per applicant/year.
12,000 applications x \$25.37/application = \$304,440.

14. Provide estimates of annualized cost to the Federal government.

The fee recovers all federal processing costs. Some states have integrated the NMFS's registration process into the existing state fishery registration process and do not need to file a federal registration.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The hours and costs have been adjusted to reflect re-estimates.

16. For collections whose results will be published, outline the plans for tabulation and publication.

There are no plans to publish the results of this collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.



MARINE MAMMAL AUTHORIZATION PROGRAM

Registration Form

Regulations implementing section 118 of the Marine Mammal Protection Act (50 CFR 229.4) requires the owner of a commercial fishing vessel engaged in a Category I or II fishery to obtain an authorization for the incidental take of marine mammals. Failure to obtain an authorization, or to maintain a current and valid authorization, shall subject vessel owners to the penalties of the Marine Mammal Protection Act. If you will be participating in one of the Category I or II fisheries listed on the insert of this application, complete the following:

Please **PRINT LEGIBLY and in CAPITAL LETTERS**, all responses in the blocks provided. See page 6 for complete instructions.

VESSEL NAME	VESSEL STATE REG. NO. / COAST GUARD DOC. NO.	LENGTH (Ft)
<input type="text"/>	<input type="text"/>	<input type="text"/>
HOME PORT OF VESSEL - CITY NO.	STATE	COMM. VESSEL LIC.
<input type="text"/>	<input type="text"/>	<input type="text"/>

LAST NAME OF PRIMARY VESSEL OWNER	FIRST NAME OF PRIMARY VESSEL OWNER	M.I.
<input type="text"/>	<input type="text"/>	<input type="text"/>
LAST NAME OF SECONDARY VESSEL OWNER (if applicable)	FIRST NAME OF SECONDARY VESSEL OWNER	M.I.
<input type="text"/>	<input type="text"/>	<input type="text"/>

CORPORATE NAME (if applicable)		
<input type="text"/>		
MAILING ADDRESS (for business correspondence)		
<input type="text"/>		
CITY	STATE	ZIP CODE
<input type="text"/>	<input type="text"/>	<input type="text"/>
TELEPHONE NUMBER (including area code)	Fax Number (including area code)	
<input type="text"/>	<input type="text"/>	

LAST NAME OF OPERATOR (if different than owner)	FIRST NAME OF OPERATOR	M.I.
<input type="text"/>	<input type="text"/>	<input type="text"/>
MAILING ADDRESS (for business correspondence)		
<input type="text"/>		
CITY	STATE	ZIP CODE
<input type="text"/>	<input type="text"/>	<input type="text"/>
TELEPHONE NUMBER (including area code)	Fax Number (including area code)	
<input type="text"/>	<input type="text"/>	

For Administrative Use Only:

M.O. ☐ Check ☐ No. _____ Received By: _____ Date: _____ Certificate Issued By: _____ Date: _____

MARINE MAMMAL AUTHORIZATION PROGRAM

Certification

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT I AM THE OWNER OF THE ABOVE NAMED VESSEL (OR NON-VESSEL FISHING GEAR), OR THAT I AM AUTHORIZED TO REGISTER FOR THIS AUTHORIZATION ON BEHALF OF THE OWNER, THAT I HAVE REVIEWED ALL INFORMATION CONTAINED IN THIS DOCUMENT, AND THAT IT IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature

Date

IF THIS REGISTRATION IS SIGNED BY A PERSON OTHER THAN THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE ABOVE-NAMED VESSEL, PLEASE COMPLETE THE FOLLOWING:

LAST NAME OF REPRESENTATIVE[illegible]

FIRST NAME OF REPRESENTATIVE

[illegible]

M.I.

7

ADDRESS[illegible]

CITY

[illegible]

STATE

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ZIP CODE

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**Mail this completed registration form,
along with a check in the amount of \$25.00, payable to the National Marine Fisheries Service,
to the nearest NMFS regional office listed below.
(Please allow 30 days for processing):**

Marcia Hobbs
NMFS Northeast Region
One Blackburn Dr
Gloucester, MA 01930
978 / 281-9328
e-mail: Marcia.Hobbs@noaa.gov

Teletha Griffin
NMFS Southeast Region
9721 Executive Center Dr North
St. Petersburg, FL 33702
727 / 570-5312
e-mail: Teletha.Griffin@noaa.gov

Don Petersen
NMFS Southwest Region
501 West Ocean Blvd, Suite 4200
Long Beach, CA 90802
562 / 980-4024
e-mail: Don.Petersen@noaa.gov

This collection of information is mandated by the Marine Mammal Protection Act (16 U.S.C. 1387) and by implementing regulations contained at 50 CFR 229.4. The information supplied on this form will be used by the National Marine Fisheries Service to approximate fishing effort in various fisheries which impact marine mammal populations in U.S. waters and to alert vessel owners of applicable rules and regulations regarding the incidental take of marine mammals in commercial fishing operations. Certain information supplied on this form may be considered proprietary and therefore subject to data confidentiality restrictions of 50 CFR Part 229.11.

Public reporting burden for this collection of information is estimated to average 15 minutes per response for new applications and 9 minutes per response for renewals, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Director, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, (301) 713-2332.

The National Marine Fisheries Service may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current and valid OMB control number. The OMB Control number for this form is 0648-0293, which expires on 08/31/2003.

MARINE MAMMAL AUTHORIZATION PROGRAM

Registration Form Instructions

VESSEL NAME: Enter the name of the vessel as it is identified for commercial fishing operations. For non-vessel fisheries, leave this blank. A SEPARATE REGISTRATION FORM IS REQUIRED FOR EACH VESSEL, OR EACH FIXED GEAR SITE FOR A NON-VESSEL FISHERY.

LENGTH (FT): Enter the overall length of the vessel, in feet.

HOME PORT OF VESSEL - CITY, STATE: Enter the city and state where the vessel is registered.

VESSEL STATE REGISTRATION NO./COAST GUARD DOCUMENTATION NO.: Enter either the vessel's state registration number OR Coast Guard Documentation number. One of these numbers must be provided or an authorization cannot be granted. In the case of non-vessel fisheries, enter the site permit or set-net license number.

STATE COMMERCIAL VESSEL LICENSE NO.: Enter the vessel's state commercial fishery vessel license number, if applicable. In Alaska, this is the ADFG commercial fishery vessel license number. In California, this is the CDFG commercial fishery vessel license number.

PRIMARY VESSEL OWNER: Enter the vessel owner's last name, first name, and middle initial.

SECONDARY VESSEL OWNER: If the vessel is jointly owned, enter the secondary vessel owner's last name, first name, and middle initial.

CORPORATE NAME: If the vessel is owned by a corporation, enter the full legal name of that corporation.

MAILING ADDRESS, CITY, STATE, ZIP CODE, TELEPHONE NUMBER: Enter the address that the vessel owner or corporate owner uses for business correspondence. Enter the vessel owner's phone number, including area code.

SOCIAL SECURITY NUMBER: If the vessel owner participates in an Alaska Fishery, enter the vessel owner's social security number. THIS INFORMATION IS OPTIONAL.

OPERATOR: If the operator of the vessel is different than the owner, enter the operator's last name, first name, and middle initial.

MAILING ADDRESS, CITY, STATE, ZIP CODE, and TELEPHONE NUMBER: Enter the address that the operator of the vessel uses for business correspondence. Enter the vessel owner's phone number and fax number, including area code.

FISHERIES CHECKLIST: Check the circle corresponding to the fishery or fisheries in which you will participate during the next year. Registration for fisheries marked with an asterisk (*) has been integrated with existing state and Federal permitting and licensing programs. If you have a valid permit to participate in any of the fisheries marked with an asterisk (*), you are not required to submit an MMAP registration form and processing fee in order to receive a Marine Mammal Authorization Certificate. However, if you participate in any of the fisheries not marked with an asterisk (*), you must complete this form and mail it to NMFS, along with the \$25 processing fee. If you will not be participating in any of the fisheries identified on the checklist, you do not need to fill out this registration form.

CERTIFICATION: The vessel owner or operator must sign and date the registration form. If someone filled out the form other than the vessel owner or operator, enter the representative's full name and address.

MAILING INSTRUCTIONS: After completing the registration form, mail it, along with a check in the amount of \$25, payable to the *National Marine Fisheries Service*, to the nearest NMFS regional office address listed on page 7. A Marine Mammal Authorization Program certificate and decal will be sent to you in the mail. The decal must be displayed on the port side of the vessel's cabin or hull, and the certificate must be in the possession of the vessel operator while engaged in commercial fishing operations.

tag certificate or net tags upon the request of an authorized officer.

(q) *Net tag requirement.* Beginning on January 1, 2000, all gillnets fished, hauled, possessed, or deployed during the times and areas specified below must have one tag per net, with one tag secured to every other bridle of every net and with one tag secured to every other bridle of every net within a string of nets. This applies to small mesh and large mesh gillnet gear in New Jersey waters from January 1 through April 30 or in southern Mid-Atlantic waters from February 1 through April 30. The owner or operator of fishing vessels must indicate to NMFS the number of gillnet tags that they are requesting up to the maximum number of nets allowed in those paragraphs and must include a check for the cost of the tags. Vessel owners and operators will be given notice with instructions informing them of the costs associated with this tagging requirement and directions for obtaining tags. Tag numbers will be unique for each vessel and recorded on a certificate. The vessel operator must produce the certificate and all net tags upon request by an authorized officer.

[60 FR 45100, Aug. 30, 1995, as amended at 62 FR 39184, July 22, 1997; 63 FR 66487, Dec. 2, 1998; 64 FR 7552, Feb. 16, 1999; 64 FR 9086, Feb. 24, 1999; 65 FR 80377, Dec. 21, 2000]

§ 229.4 Requirements for Category I and II fisheries.

(a) *General.* (1) For a vessel owner or crew members to lawfully incidentally take marine mammals in the course of a commercial fishing operation in a Category I or II fishery, the owner or authorized representative of a fishing vessel or nonvessel fishing gear must have in possession a valid Certificate of Authorization. The owner of a fishing vessel or nonvessel fishing gear is responsible for obtaining a Certificate of Authorization.

(2) The granting and administration of Authorization Certificates under this part will be integrated and coordinated with existing fishery license, registration, or permit systems and related programs wherever possible. These programs may include, but are not limited to, state or interjurisdictional fisheries programs. If the admin-

istration of Authorization Certificates is integrated into a program, NMFS will publish a notice in the FEDERAL REGISTER announcing the integrated program and summarizing how an owner or authorized representative of a fishing vessel or non-fishing gear may register under that program or how registration will be achieved if no action is required on the part of the affected fisher. NMFS will make additional efforts to contact participants in the affected fishery via other appropriate means of notification.

(b) *Registration.* (1) The owner of a vessel, or for nonvessel gear fisheries, the owner of gear, who participates in a Category I or II fishery is required to be registered for a Certificate of Authorization.

(2) Unless a notice is published in the FEDERAL REGISTER announcing an integrated registration program, the owner of a vessel, or for nonvessel fishery, the owner of the gear must register for and receive an Authorization Certificate. To register, owners must submit the following information using the format specified by NMFS:

(i) Name, address, and phone number of owner.

(ii) Name, address, and phone number of operator, if different from owner, unless the name of the operator is not known or has not been established at the time the registration is submitted.

(iii) For a vessel fishery, vessel name, length, home port; U.S. Coast Guard documentation number or state registration number, and if applicable; state commercial vessel license number and for a nonvessel fishery, a description of the gear and state commercial license number, if applicable.

(iv) A list of all Category I and II fisheries in which the fisher may actively engage during the calendar year.

(v) A certification signed and dated by the owner of an authorized representative of the owner as follows: "I hereby certify that I am the owner of the vessel, that I have reviewed all information contained on this document, and that it is true and complete to the best of my knowledge."

(vi) A check or money order made payable to NMFS in the amount specified in the notice of the final List of

§ 229.4

50 CFR Ch. II (10–1–01 Edition)

Fisheries must accompany each registration submitted to NMFS. The amount of this fee will be based on recovering the administrative costs incurred in granting an authorization. The Assistant Administrator may waive the fee requirement for good cause upon the recommendation of the Regional Director.

(3) If a notice is published in the FEDERAL REGISTER announcing an integrated registration program, the owner of a vessel, or for nonvessel fishery, the owner of the gear may register by following the directions provided in that notice. If a person receives a registration to which he or she is not entitled or if the registration contains incorrect, inaccurate or incomplete information, the person shall notify NMFS within 10 days following receipt. If a fisher participating in a Category I or II fishery who expects to receive automatic registration does not receive that registration within the time specified in the notice announcing the integrated registration program, the person shall notify NMFS as directed in the notice or may apply for registration by submitting the information required under paragraph (b)(1)(i) through (b)(1)(vi) of this section.

(c) *Address.* Unless the granting and administration of authorizations under this part 229 is integrated and coordinated with existing fishery licenses, registrations, or related programs pursuant to paragraph (a) of this section, requests for registration forms and completed registration and renewal forms should be sent to the NMFS Regional Offices as follows:

(1) Alaska Region, NMFS, P.O. Box 21668, 709 West 9th Street, Juneau, AK 99802; telephone: 907-586-7235;

(2) Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070; telephone: 206-526-4353;

(3) Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; telephone: 562-980-4001;

(4) Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930; telephone: 978-281-9254; or

(5) Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702; telephone: 727-570-5312.

(d) *Issuance.* (1) For integrated fisheries, an Authorization Certificate or other proof of registration will be issued annually to each fisher registered for that fishery.

(2) For all other fisheries (i.e., non-integrated fisheries), NMFS will issue an Authorization Certificate and, if necessary, a decal to an owner or authorized representative who:

(i) Submits a completed registration form and the required fee.

(ii) Has complied with the requirements of this section and §§229.6 and 229.7

(iii) Has submitted updated registration or renewal registration which includes a statement (yes/no) whether any marine mammals were killed or injured during the current or previous calendar year.

(3) If a person receives a renewed Authorization Certificate or a decal to which he or she is not entitled, the person shall notify NMFS within 10 days following receipt.

(e) *Authorization Certificate and decal requirements.* (1) If a decal has been issued under the conditions specified in paragraph (e)(2) of this section, the decal must be attached to the vessel on the port side of the cabin or, in the absence of a cabin, on the forward port side of the hull, and must be free of obstruction and in good condition. The decal must be attached to the Authorization Certificate for nonvessel fisheries.

(2) The Authorization Certificate, or a copy, must be on board the vessel while it is operating in a Category I or II fishery, or, in the case of nonvessel fisheries, the Authorization Certificate with decal attached, or copy must be in the possession of the person in charge of the fishing operation. The Authorization Certificate, or copy, must be made available upon request to any state or Federal enforcement agent authorized to enforce the Act, any designated agent of NMFS, or any contractor providing observer services to NMFS.

(3) Authorization Certificates and decals are not transferable. In the event of the sale or change in ownership of the vessel, the Authorization Certificate is void and the new owner must

register for an Authorization Certificate and decal.

(4) An Authorization Certificate holder must notify the issuing office in writing:

(i) If the vessel or nonvessel fishing gear will engage in any Category I or II fishery not listed on the initial registration form at least 30 days prior to engaging in that fishery; and,

(ii) If there are any changes in the mailing address or vessel ownership within 30 days of such change.

(f) *Reporting.* Any Authorization Certificate holders must comply with the reporting requirements specified under § 229.6.

(g) *Disposition of marine mammals.* Any marine mammal incidentally taken must be immediately returned to the sea with a minimum of further injury, unless directed otherwise by NMFS personnel, a designated contractor or an official observer, or authorized otherwise by a scientific research permit that is in the possession of the operator.

(h) *Monitoring.* Authorization Certificate holders must comply with the observer or other monitoring requirements specified under § 229.7.

(i) *Deterrence.* When necessary to deter a marine mammal from damaging fishing gear, catch, or other private property, or from endangering personal safety, vessel owners and crew members engaged in a Category I or II fishery must comply with all deterrence provisions set forth in the Act and all guidelines and prohibitions published thereunder.

(j) *Self defense.* When imminently necessary in self-defense or to save the life of a person in immediate danger, a marine mammal may be lethally taken if such taking is reported to NMFS in accordance with the requirements of § 229.6.

(k) *Take reduction plans and emergency regulations.* Authorization Certificate holders must comply with any applicable take reduction plans and emergency regulations.

(l) *Expiration.* Authorization Certificates expire at the end of each calendar year.

[60 FR 45100, Aug. 30, 1995, as amended at 62 FR 46, Jan. 2, 1997; 64 FR 9086, Feb. 24, 1999]

§ 229.5 Requirements for Category III fisheries.

(a) *General.* Vessel owners and crew members of such vessels engaged only in Category III fisheries may incidentally take marine mammals without registering for or receiving an Authorization Certificate.

(b) *Reporting.* Vessel owners engaged in a Category III fishery must comply with the reporting requirements specified in § 229.6.

(c) *Disposition of marine mammals.* Any marine mammal incidentally taken must be immediately returned to the sea with a minimum of further injury unless directed otherwise by NMFS personnel, a designated contractor, or an official observer, or authorized otherwise by a scientific research permit in the possession of the operator.

(d) *Monitoring.* Vessel owners engaged in a Category III fishery must comply with the observer requirements specified under § 229.7(d).

(e) *Deterrence.* When necessary to deter a marine mammal from damaging fishing gear, catch, or other private property, or from endangering personal safety, vessel owners and crew members engaged in commercial fishing operations must comply with all deterrence provisions set forth in the Act and all guidelines and prohibitions published thereunder.

(f) *Self-defense.* When imminently necessary in self-defense or to save the life of a person in immediate danger, a marine mammal may be lethally taken if such taking is reported to NMFS in accordance with the requirements of § 229.6.

(g) *Emergency regulations.* Vessel owners engaged in a Category III fishery must comply with any applicable emergency regulations.

[60 FR 45100, Aug. 30, 1995, as amended at 64 FR 9087, Feb. 24, 1999]

§ 229.6 Reporting requirements.

(a) Vessel owners or operators engaged in any commercial fishery must report all incidental mortality and injury of marine mammals in the course of commercial fishing operations to the Assistant Administrator, or appropriate Regional Office, by mail or other means, such as fax or overnight mail

(2)(A) An authorization shall be granted by the Secretary in accordance with this section for a vessel engaged in a commercial fishery listed under paragraph (1)(A)(i) or (ii), upon receipt by the Secretary of a completed registration form providing the name of the vessel owner and operator, the name and description of the vessel, the fisheries in which it will be engaged, the approximate time, duration, and location of such fishery operations, and the general type and nature of use of the fishing gear and techniques used. Such information shall be in a readily usable format that can be efficiently entered into and utilized by an automated or computerized data processing system. A decal or other physical evidence that the authorization is current and valid shall be issued by the Secretary at the time an authorization is granted, and so long as the authorization remains current and valid, shall be reissued annually thereafter.

(B) No authorization may be granted under this section to the owner of a vessel unless such vessel -

(i) is a vessel of the United States; or

(ii) has a valid fishing permit issued by the Secretary in accordance with section 1824(b) of this title.

(C) Except as provided in subsection (a) of this section, an authorization granted under this section shall allow the incidental taking of all species and stocks of marine mammals to which this chapter applies.

(3)(A) An owner of a vessel engaged in any fishery listed under paragraph (1)(A)(i) or (ii) shall, in order to engage in the lawful incidental taking of marine mammals in a commercial fishery -

(i) have registered as required under paragraph (2) with the Secretary in order to obtain for each such vessel owned and used in the fishery an authorization for the purpose of incidentally taking marine mammals in accordance with this section, except that owners of vessels holding valid certificates of exemption under section 1383a of this title are deemed to have registered for purposes of this subsection for the period during which such exemption is valid;

(ii) ensure that a decal or such other physical evidence of a current and valid authorization as the Secretary may require is displayed on or is in the possession of the master of each such vessel;

(iii) report as required by subsection (e) of this section; and

(iv) comply with any applicable take reduction plan and emergency regulations issued under this section.

(B) Any owner of a vessel receiving an authorization under this section for any fishery listed under paragraph (1)(A)(i) or (ii)

analyze any comments received and, if appropriate * * * correct any ministerial error by amending * * * the final results of review. * * * After reviewing POSCO's allegations, we have determined in accordance with section 351.224 of the Department's regulations, that the final results of review include the ministerial error discussed below.

Comment 1: L-Grade Adjustment for Models Sold Exclusively in the United States

POSCO contends that the Department made an error in merging the cost of production ("COP") and constructive value ("CV") files that failed to implement its stated decision in the final results of review to apply the minor corrections to the L-grade adjustment reported at verification to those models sold exclusively in the United States. As a result, POSCO claims that certain models sold exclusively in the U.S. market did not have variable or total cost of manufacturing ("VCOM" or "TCOM") applied to them during the model match

sequence of the computer program. Consequently, these models did not find an appropriate match in the home market and were compared to CV in error for the final results of review.

To correct this error, POSCO proposed a number of programming changes: (1) Insert language creating a duplicate cost file for the U.S. sales; (2) create the VCOM and TCOM information for the U.S. sales before merging the cost files with the home market sales files; and, (3) delete the calculation of VCOM and TCOM after the merge of the COP and home market sales databases. See POSCO's February 10, 2003 ministerial error allegation letter.

Department's Position

We agree with POSCO that the program used in the final results of review failed to correctly apply the L-grade adjustment to the models sold exclusively in the United States, and therefore, to determine the appropriate model matches for the final results of review. However, our analysis reveals

that POSCO erroneously equated the total cost of production in the United States ("TCOMU") with the total cost of manufacturing rather than the total cost of production, thereby omitting selling, general and administrative expenses (SG&A) from the calculation of TCOMU. Therefore, we have revised our calculations to appropriately merge the COP and CV files, and to correctly calculate TCOMU. See *Analysis memorandum for the amended final results of review for stainless steel sheet and strip in coils from Korea—Pohang Iron and Steel Company ("POSCO")* dated March 6, 2003.

Amended Final Results

We are amending the final results of the administrative review on SSSS from the Republic of Korea covering the period July 1, 2000, through June 30, 2001, pursuant to section 751(h) of the Act. As a result of this redetermination, the recalculated final weighted-average margin for POSCO is as follows:

Exporter/manufacturer	Weighted average margin in the final (percent)	Revised weighted average margin (percent)
POSCO98	.92

The cash deposit rate for POSCO of 0.92 percent ad valorem is effective on all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and will remain in effect until publication of the final results of the next administrative review.

Accordingly, the Department will determine, and the Customs Service will assess, antidumping duties on all entries of subject merchandise from POSCO during the period July 1, 2000, through June 30, 2001, in accordance with this amended final results.

This amended final results and notice are in accordance with sections 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 351.221 of the Department's regulations.

Dated: March 4, 2003.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 03-6090 Filed 3-12-03; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031003A]

Proposed Information Collection; Comment Request; Application for Commercial Fisheries Authorization Under Section 118 of the Marine Mammal Protection Act

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 12, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625,

14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Patricia Lawson, 301-713-2322, or at Patricia.Lawson@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Marine Mammal Protection Act (MMPA) requires any commercial fisher operating in a Category I or II fishery to register for a certificate of authorization that will allow the fisher to take marine mammals incidental to commercial fishing operations. Category I and II fisheries are those identified by NOAA as having either frequent or occasional takings of marine mammals.

II. Method of Collection

A paper form is used.

III. Data

OMB Number: 0648-0293.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, individuals or households.

Estimated Number of Respondents: 12,000.

Estimated Time Per Response: 15 minutes for a new application, and 9 minutes for a renewal application.

Estimated Total Annual Burden Hours: 2,800.

Estimated Total Annual Cost to Public: \$304,440.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 7, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-6106 Filed 3-12-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022103F]

Marine Mammals; File No. 876-1402

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that Howard C. Rosenbaum, Ph.D. and Robert DeSalle, Ph.D., American Museum of Natural History, Molecular Systematics Laboratory, 79th St. & Central Park West, New York, New York 10024, has been issued an amendment to scientific research Permit No. 876-1402-00 to extend the expiration date through June 30, 2003.

ADDRESSES: The amendment and related documents are available for review

upon written request or by appointment in the following office(s): Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9200; fax (978)281-9371.

FOR FURTHER INFORMATION CONTACT:

Jennifer Skidmore or Ruth Johnson, (301)713-2289.

SUPPLEMENTARY INFORMATION: The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the provisions of 50 CFR 216.39 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the provisions of the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Issuance of this amendment, as required by the ESA was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: March 7, 2003.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 03-6105 Filed 3-12-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Customer Input—Patent and Trademark Customer Surveys.

Form Number(s): Form numbers will be determined as applicable for the various surveys.

Agency Approval Number: 0651-0038.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Burden: 3,100 hours annually.

Number of Respondents: 8,100 responses per year.

Avg. Hours Per Response: Based on results from testing the various types of surveys with the representative customer groups and with internal test groups, the USPTO estimates that it takes the public 15 minutes to complete telephone surveys and face-to-face interviews, 5 minutes to complete questionnaires, customer surveys (both paper and electronic), and comment cards, and 2 hours to participate in focus groups. The USPTO estimates that it takes the public 30 minutes to complete the paper version of the annual patent and annual trademark customer satisfaction surveys, but only 20 minutes to complete the same survey electronically.

Needs and Uses: The public uses the various types of surveys to express their opinions about the services and information products offered by the USPTO and about the quality of the customer service that they receive from the USPTO. Additionally, these various surveys allow the public to offer their suggestions and comments concerning the USPTO, its services and information products, and its customer service. Depending on the type of survey, the public can provide their comments on the spot to the interviewer, or complete the survey at their own pace and either mail their responses to the USPTO or submit their responses electronically via a web-based survey. The USPTO uses the data collected from these surveys for strategic planning, the allocation of resources, the establishment of performance goals, and the verification and establishment of service standards. The USPTO also uses this data to assess customer satisfaction with USPTO products and services, assess customer priorities in service characteristics, and identify areas where service levels differ from customer expectations.

Affected Public: Individuals or households, business or other for-profit, and not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Susan K. Brown, Records Officer, Office of Data Architecture and Services, Data Administration Division, USPTO, Suite